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1651

Attorney Docket 017498/0155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takahiro OCHI
Title: BIOMATERIAL
Appl. No.: 09/854,671
Filing Date: 05/15/2001
Examiner: S. Saucier
Art Unit: 1651

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop NON-FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 CFR §1.56. Copies of the listed documents are being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is being filed in compliance with 37 C.F.R. § 1.97(c) prior to the mailing date of either a final action or a notice of allowance.

Accordingly, pursuant to 37 CFR §1.97(c), a statement or fee is required. The statement under 37 CFR § 1.97(e)(1) is provided below.

STATEMENT

The undersigned hereby states in accordance with 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement.

RELEVANCE OF EACH DOCUMENT

Documents A1-A13 were cited in a European search report during prosecution of a counterpart European application. Documents A1-A13 are in English. A copy of the European search report is also enclosed.

Applicant respectfully requests that the listed documents be considered by the examiner and formally be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

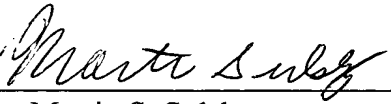
Date October 23, 2003

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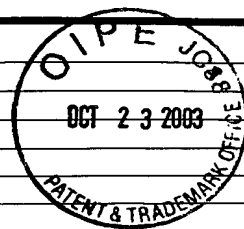
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By 
Martin S. Sulsky
Registration No. 45,403

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: <u>October 23, 2003</u> (use as many sheets as necessary)		Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/854,671</td> </tr> <tr> <td>Filing Date</td> <td>05/15/2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Takahiro OCHI</td> </tr> <tr> <td>Group Art Unit</td> <td>1651</td> </tr> <tr> <td>Examiner Name</td> <td>S. Saucier</td> </tr> <tr> <td>Attorney Docket Number</td> <td>017498-0155</td> </tr> </table>		Application Number	09/854,671	Filing Date	05/15/2001	First Named Inventor	Takahiro OCHI	Group Art Unit	1651	Examiner Name	S. Saucier	Attorney Docket Number	017498-0155
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Attorney Docket Number	017498-0155														
Sheet	1	of	1												



U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,371,484		INUKAI et al.	02/01/1983	
	A2	4,654,314		TAKAGI et al.	03/31/1987	
	A3	5,318,779		HAKAMATSUKA et al.	06/07/1994	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A4	GB	2 078 696	A	FUKUDA et al.	01/13/1982		
	A5	WO	98/15505	A1	SMITH et al.	04/16/1998		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A6	Database WPI, Section Ch, Week 198912, Derwent Publications Ltd., London, GB, JP 01 037475A, Feb. 8, 1989, abstract (XP-002251765)	
	A7	Database WPI, Section Ch, Week 199351, Derwent Publications Ltd., London, GB, JP 05 305134A, Nov. 19, 1993, abstract (XP-002251764)	
	A8	Database WPI, Section Ch, Week 199502, Derwent Publications Ltd., London, GB, JP 06 296680A, Oct. 25, 1994, abstract (XP-002251768)	
	A9	Database WPI, Section Ch, Week 199514, Derwent Publications Ltd., London, GB, JP 07 023994A, Jan. 27, 1995, abstract (XP-002251769)	
	A10	Database WPI, Section Ch, Week 199538, Derwent Publications Ltd., London, GB, JP 07 187852A, July 25, 1995, abstract (XP-002251766)	
	A11	Database WPI, Section Ch, Week 199830, Derwent Publications Ltd., London, GB, JP 10 130076A, May 19, 1998, abstract (XP-002251767)	
	A12	Le Huec, J.C., et al., "Influence of porosity on the mechanical resistance of hydroxyapatite ceramics under compressive stress", <u>Biomaterials</u> , vol. 16, no. 2, Elsevier Science Limited, GB, 1995, pp. 113-118	
	A13	Gauthier, O., et al., "Macroporous biphasic calcium phosphate ceramics: influence of macropore diameter and macroporosity percentage on bone ingrowth," <u>Biomaterials</u> vol. 19, no. 1-3, Elsevier Science Limited, GB, Jan. 2, 1998, pp. 133-139.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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